

REMARKS

Upon entry of the present amendment, claims 1-3 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendment herein to claim 1 does not incorporate new matter into the application as originally filed. Instead, the amendment simply corrects a typographical error occurring in claim 1, whereby the claim makes reference to "figure 1" instead of "claim 1". It is noted that claims 1-3 properly and distinctly set forth the invention that the Applicants regard as their own.

Claim Rejections Under 35 USC § 112

Claim 1 has been rejected under the provisions of 35 USC § 112, second paragraph. Reconsideration and withdrawal of this rejection is requested based on the following considerations.

Claim 1 has been amended to recite a "*beverage, comprising the zinc-oligopeptide of figure 1...*" Based on this amendment, it is submitted that claim 1, as instantly amended, is fully acceptable under the provisions of 35 USC § 112, including the second paragraph thereof.

Accordingly, withdrawal of the outstanding rejection under 35 USC § 112 is required at present.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 2-3 contained allowable subject matter. Since the rejection of claim 1 has been overcome, it is submitted now that each of claims 1-3 are allowable.

CONCLUSION

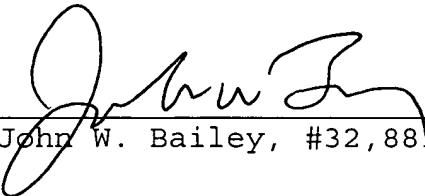
Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-3 are patentable at present.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  _____
John W. Bailey, #32,881

JWB:enm
0655-0116P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000